

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Veijo Vanttinen et al.
Serial No. : 10/018,313
Confirmation No. : 1629
Filing Date : May 9, 2002
Title : DETERMINATION OF THE POSITION
OF A MOBILE TERMINAL
Examiner : Julio R. Perez
Group Art Unit : 2617
Customer No. : **43829**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

January 23, 2009

REQUEST FOR COMPLETE OFFICE ACTION

Sir:

Applicants acknowledge the Office Action dated December 23, 2008, which is the seventh Office Action in this application. The Office Action alleges that it contains a new obviousness rejection based on WO 99/04582 in view of U.S. Patent No. 6,360,102 (see part 5 on page 6). However, the obviousness rejection is not new; it was previously presented in the fourth Office Action dated May 18, 2007. Although arguments were previously made against the rejection in the Office Action Response filed on August 20, 2007, they are not addressed in the outstanding Office Action. Applicants therefore respectfully submit that the outstanding Office Action dated December 23, 2008 is incomplete and request that it be corrected or supplemented to include a response to applicants' arguments against the rejection based on WO 99/04582 in view of U.S. Patent No. 6,360,102.

Background

There have been seven Office Actions in this application. The fourth Office Action dated May 18, 2007 contained an obviousness rejection of the claims based on WO 99/04582 in view of U.S. Patent No. 6,360,102 (see part 5 on pages 2-13). Applicants submitted arguments against the obviousness rejection (see Response filed August 20, 2007, pages 13-15). The next (fifth) Office Action dated October 31, 2007 did not repeat the obviousness rejection based on WO 99/04582 in view of U.S. Patent No. 6,360,102, and indicated that applicants' arguments against the rejection were moot in view of new grounds of rejection (see part 4 on page 13).

The outstanding (seventh) Office Action dated December 23, 2008 again makes an obviousness rejection of the claims based on WO 99/04582 in view of U.S. Patent No. 6,360,102 (see part 4 on pages 3-14). However, the outstanding Office Action describes this rejection as new and does not respond to the arguments that were made against the rejection in the Office Action Response filed on August 20, 2007 (see part 5 on page 6). The Office Action also attaches a PTO-892 form citing U.S. Patent No. 6,360,102 even though the patent had already been cited in the PTO-892 form attached to the fourth Office Action dated May 18, 2007.

Discussion

The paragraph in part 5 on page 6 of the outstanding Office Action is Form Paragraph 7.38. The examiner's note to this form paragraph states that the examiner must address "any arguments presented by the applicant, which are still relevant to any references being applied." See MPEP 707.07(f). This MPEP Section further states that where the applicant traverses any rejection and the examiner repeats the rejection, the examiner should "take note of the applicant's argument and answer the substance of it.

The same references are used in the fourth and seventh Office Actions. Although the examiner has repeated the obviousness rejection, he has not noted applicants' argument or answered the substance of it. The Office Action is therefore incomplete.

Conclusion

Applicants therefore respectfully submit that the outstanding Office Action dated December 23, 2008 is incomplete and request that it be corrected or supplemented to include a response to applicants' arguments against the rejection based on WO 99/04582 in view of U.S. Patent No. 6,360,102. Furthermore, applicants also request that they have a period of at least one month in which to respond to any completed or supplemental Office Action pursuant to MPEP 710.06.

No fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any fees necessary for the consideration of this Request, or to avoid abandonment of this application, to Deposit Account No. 13-0760 (Docket No. 06173.4009US).

January 23, 2009

Date

Respectfully submitted,



Robert M. Bauer, Reg. No. 34, 487
MacDonald Illig Jones & Britton
100 State Street
Erie, PA 16507
Tel.: 814-870-7600
Fax.: 814-454-4647